

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6149 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

CHANDUBHAI DAHYABHAI PARMAR (BARIA)

Versus

STATE OF GUJARAT & Otrs.

Appearance:

MR RS SANJANWALA for Petitioner

MS MANISHA LAVKUMAR AGP for Respondent No. 1, 2 & 3

None present for respondent no.4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/06/2000

ORAL JUDGEMENT

1. Heard the learned counsel for the parties. The prayer has been made by the petitioner in this petition for quashing and setting aside the order dated 29th July, 1997, Annexure-A, made by the respondent no.2 whereunder

the certificate issued to the petitioner certifying him as a person who belongs to backward class by the Mamlatdar concerned was came to be set aside.

2. It is not in dispute that against this order of the respondent no.2, the petitioner preferred an appeal to the State of Gujarat and that appeal is not decided so far. The respondent no.1, 2 and 3 have also admitted this position with qualification that there is no provision for such an appeal. It is a matter of a caste certificate to be issued to the petitioner and in case, any adverse order is passed against him by the Collector, even if there is no provision for appeal, the petitioner has all the right to approach to the State Government by filing a representation-cum-appeal and the State Government has all the authority and power to correct the order of its subordinate Officer. This appeal was not rejected on the ground it is not maintainable. It is stated to be pending for consideration.

3. In view of this fact, this Special Civil Application is disposed of in terms that the respondent no.1, State of Gujarat, is directed to decide the appeal of the petitioner aforesaid within a period of three months from the date of receipt of writ of this order. If the decision is given in the appeal against the petitioner, it is expected of the respondent no.1 to pass a reasoned order and send a copy of the same to the petitioner by Regd.P.A.D. The Special Civil Application and Rule stands disposed of accordingly with no order as to costs.

(S.K. Keshote, J.)
(kamlesh)